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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,561	05/31/2001	Hee-Sun Cho	678-667 (P9391)	1131
28249	7590	09/09/2005	EXAMINER	
DILWORTH & BARRESE, LLP 333 EARLE OVINGTON BLVD. UNIONDALE, NY 11553			CHAWAN, VIJAY B	
			ART UNIT	PAPER NUMBER
			2654	

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/871,561	Applicant(s) CHO ET AL.	
	Examiner Vijay B. Chawan	Art Unit 2654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by La Medica, Jr., et al., (6,625,451).

As per claim 1, La Medica Jr., et al., teach a method for operating a voice function including a speech recognition function and a function for outputting a voice memo in a dual-mode radio mobile terminal, the terminal including a vocoder for converting data between PCM format and packet format, comprising the steps of:

determining whether request for the voice function is input or not in analog mode (Col.10, lines 49-58);

switching the vocoder into digital mode to operate the voice function (Col.10, lines 49-66); and,

operating the voice function in digital mode (Col.10, lines 49-66).

As per claim 2, La Medica Jr., et al., teach the method for operating a voice function as claimed in claim 1, wherein the vocoder is switched from PCM mode to packet mode (Col.12, lines 23-35).

As per claim 3, La Medica Jr., et al., teach the method for operating a voice function as claimed in claim 2, further comprising the step of switching the vocoder back to PCM mode if a call request is input during operation of the voice function in packet mode (Col.12, lines 23-35).

As per claim 4, La Medica Jr., et al., teach the method for operating a voice function as claimed in claim 2, further comprising the step of switching the vocoder back to PCM mode if the voice function is terminated (Col.10, lines 49-66).

As per claim 5, La Medica Jr., et al., teach a method for operating a voice function including a speech recognition function and a function for output of stored information by voice in a mobile terminal, the mobile terminal including a vocoder for converting data between PCM format and packet format, comprising the steps of:

determining whether request for the voice function is input or not in analog mode (Col.10, lines 49-66);

switching the vocoder into digital mode to operate the voice function (Col.10, lines 49-66);

operating the voice function in digital mode (Col.10, lines 49-66); and,

switching the vocoder back to PCM mode if the voice function is terminated (Col.10, lines 49-66, Col.12, lines 23-35).

As per claim 6, La Medica Jr., et al., teach a method for operating a voice function including a speech recognition function and a function for output of stored information in a mobile terminal, the mobile terminal including a vocoder for converting data between PCM format and packet format, comprising the steps of:

determining whether request for the voice function is input or not in analog mode (Col.10, lines 49-66);

switching the vocoder from PCM mode to packet mode (Col.10, lines 49-66, Col.12, lines 23-35);

selecting one of speech recognition function and voice output function (Col.10, lines 49-66);

operating the selected function (Col.10, lines 49-66); and,

switching the vocoder back to PCM mode if the voice function is terminated (Col.10, lines 49-66, Col.12, lines 23-35).

Response to Arguments

3. Applicant's arguments filed 6/2/2005 have been fully considered but they are not persuasive. Applicant's arguments filed in the response pertain to the claimed "voice function" and the meaning therein. Applicant infers that the scope of the term "voice function" is defined as "functions invoked by voice command". Examiner disagrees and notes that in applicants specification, page 1, a voice function, as an example, is broadly defined as a "voice output of stored information", among other examples of

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voice functions given throughout the specification. If applicant wishes to define the voice function as sending and/or receiving voice commands, this type of language must be present in the claim language itself. The scope of the phrase "voice function", as claimed, is met by the LaMedica reference. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vijay B. Chawan whose telephone number is (571) 272-7601. The examiner can normally be reached on Monday Through Friday 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571) 272-7602. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Vijay B. Chawan
Primary Examiner
Art Unit 2654

**VIJAY CHAWAN
PRIMARY EXAMINER**

vbc
9/6/05